

FEB 21 2013

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

Clerk

Deputy Clerk

In Re SRBA

Subcase No. 63-05220

Case No. 39576

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

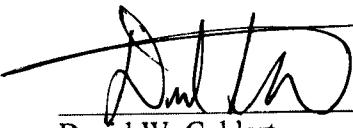
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

Veteran's Administration Medical Center


David W. Gehlert

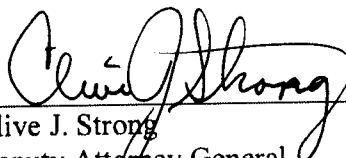
Date

Attorney for Claimant

2/20/13

OBJECTORS:

State of Idaho

 2/6/13

Clive J. Strong Date
Deputy Attorney General
Attorney for Objector

Boise Warm Springs Water District

 2/7/13

Bruce M. Smith Date
Attorney for Objector

RESPONDENTS:

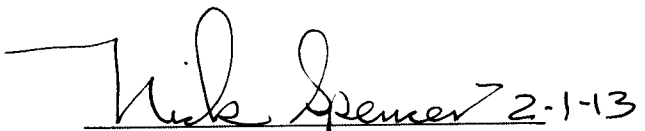
Edwards Family, LLC

Dana L. Hofstetter Date
Attorney for Respondent

IDWR Concurrence:

 2/1/13

Jan Shurte Date
Adjudication Technical Analyst

 2-1-13

Nicholas B. Spencer Date
Deputy Attorney General
Attorney for IDWR

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-5220

NAME AND ADDRESS: VETERANS ADMINISTRATION MEDICAL CENTER
C/O ENGINEERING SERVICE
500 W FORT ST
BOISE ID 83702-4598

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.580 CFS
148.50 AFY

~~Right Nos. 63-5220 and 63-5221 are limited to a total combined diversion rate of 0.66 cfs and a total combined annual diversion volume of 148.5 AF for irrigation and a total combined annual volume of 1.4 AF for storage.~~

Right Nos. 63-5220, 63-5221 and 63-10153 are limited to a total combined diversion rate of 0.76 cfs for diversion directly to irrigation and industrial use, to a total combined diversion rate of 0.86 cfs for diversion to storage, and to a total combined diversion volume for irrigation (directly or from storage) of 148.5 AF. Irrigation from storage under Right Nos. 63-5220, 63-5221 and 63-10153 is limited not by a diversion rate, but rather, by the total combined annual diversion volume of 148.5 AF.

The capacity of the storage reservoir is 1.4 AF. This reservoir may be refilled multiple times in a single year.

PRIORITY DATE: 01/01/1920

POINT OF
DIVERSION:

T03N R02E S2 NWSW Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION STORAGE	01/01 12/31	1.40 AFY
IRRIGATION FROM STORAGE	03/01 11/15	1.40 AFY
IRRIGATION	03/01 11/15	0.580 CFS 148.50 AFY
DIVERSION TO STORAGE	03/01 11/15	0.580 CFS

PLACE OF USE: IRRIGATION in ADA County

T03N R02E S02	NWSW 2-0 2.1	T03N R02E S02	SWSW 25-0 24.1
T03N R02E S02	SESW 3-0 4.3	T03N R02E S03	SESE 1-0 2.2
T03N R02E S11	NENW 1-0 0.1	T03N R02E S11	NWNW 1-0 0.2

IRRIGATION FROM STORAGE same as IRRIGATION

33 ACRES TOTAL

Right Nos. 63-5220, 63-5221 and 63-10153 are limited to the irrigation of a combined total of 33.0 acres in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

This well is known as new well #1

This water right does not authorize the diversion of a low temperature geothermal resource or other geothermal resource.

~~Original well assumed to be drilled in 1920, however no longer in use. A replacement well was drilled in 1974 and original well was abandoned. (caaxton 4/30/04).~~

DL
NBS
CPS
RM
R1000

CERTIFICATE OF MAILING

I certify that on FEB. 20, 2013, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

2. Copies to:

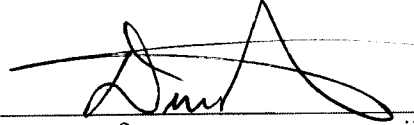
BOISE WARM SPRINGS WATER DIST
Represented by:
BRUCE M. SMITH
950 W BANNOCK ST STE 520
BOISE, ID 83702-6118

STATE OF IDAHO
Represented by:
CHIEF NATURAL RESOURCES DIV
OFFICE OF THE ATTORNEY GENERAL
STATE OF IDAHO
PO BOX 44449
BOISE, ID 83711-0449

EDWARDS FAMILY LLC
Represented by:
DANA L HOFSTETTER
608 W FRANKLIN ST
BOISE, ID 83702-5509

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke, positioned above a horizontal line.

Signature of person or attorney mailing form